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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. WILLIAM KRISSTOFER WOLF, Defendant.	CR 15-49-BLG-SPW RESPONSE TO DEFENDANT'S PETITIONS/MOTIONS AND REQUEST TO STRIKE
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The United States of America, by and through its counsel Assistant United States Attorney Bryan R. Whittaker, files its Response in Opposition to the Motions/Petitions ("Motions"), Doc. 14 filed under sealed in this matter by the Defendant's "Next Friend and Attorney in fact" Gary Hunt. The Government further requests that the Court to strike these Motions from the record.

The basis for the Government's opposition and request to strike is as follows:

First, Gary Hunt is not a licensed attorney or a member of the State Bar of Montana. *See, e.g., McGowan v. Boek*, 402 Fed.Appx. 287, 288 (9th Cir. 2010) (unpublished) (dismissal appropriate when action filed by an individual not licensed as an attorney). A nonlawyer cannot handle a case on behalf of anyone except himself. 28 U.S.C.A. § 1654; *Georgakis v. Illinois State University*, 722 F.3d 1075, 1076 (7th Cir. 2013); *United States v. Kelley*, 539 F.2d 1199, 1202 (9th Cir. 1976) (a defendant has no independent right to the assistance of a nonlawyer).

Second, Mr. Hunt is not a member of the Bar of this Court and has violated D. Mont. L.R. 83.1(b)(1). Likewise, because he is not authorized to practice law, by attempting to appear in this Court to represent another person, Hunt has further violated D. Mont. L.R. 83.1(a)(2).¹ This Court may impose sanctions for a violation of any Local Rule. D. Mont. L.R. 1.1(c).

Third, the defendant is currently represented by appointed counsel Mark Werner. Mr. Werner is counsel of record and all pleadings must be filed through counsel of record. Likewise, because he is represented by counsel, he has no right to file motions or pleadings on his own behalf. *United States v. Olano*,

¹ Mr. Hunt has likely engaged in the unauthorized practice of law.

62 F.3d 1180, 1193 (9th Cir. 1995) (no constitutional right to 'hybrid' representation).

Fourth, even if the Court were to consider the motions, they should be denied as frivolous. To the extent the Government can make sense of the motions/petitions, Hunt essentially argues that the defendant “is not a citizen of the United States” and that he is therefore “not subject to the jurisdiction” of the Government or the Court. See Doc. 14, Petition for Writ of Habeas Corpus ad subjiciendum, pp. 2, 9, 13. As such he claims that Wolf’s case should be dismissed. These theories by “freeborn” or “sovereign citizens” have been repeatedly rejected by the courts as frivolous. *United States v. Studley*, 783 F.2d 934, 937 (9th Cir. 1986) (rejecting as frivolous a taxpayer’s assertion that he was “an absolute, freeborn and natural individual” and thus not a “taxpayer”); *United States v. Sloan*, 939 F.2d 499 (7th Cir. 1991) (concluding that plaintiff’s argument that he was a citizen of the state of Indiana, but not a citizen of the United States and therefore not subject to its laws was “simply wrong”); *United States v. Jagim*, 978 F.2d 1032, 1036 (8th Cir. 1992) (concluding that defendant’s argument that he was a citizen of the “Republic of Idaho” and not a U.S. citizen and therefore outside the jurisdiction of the United States was “completely without merit” and “patently frivolous”); *Lonsdale v. United States*, 919 F.2d 1440, 1447 (10th Cir. 1990) (rejecting as frivolous taxpayer’s argument that “free born, white, preamble,

sovereign, natural, individual common law de jure citizens of a state” are not subject to taxation under the Internal Revenue Code); *see also* Francis X. Sullivan, *The “ Usurping Octopus of Jurisdictional/Authority”: The Legal Theories of the Sovereign Citizen Movement*, 1999 Wis. L.Rev. 785.

Wolf has been properly charged by a Grand Jury which found probable cause to believe Wolf has violated the laws of the United States. Jurisdiction before this Court is proper.

In summary, the Government requests that this Court strike the Motions from the record or in the alternative deny the Motions as frivolous.

Counsel for Defendant, Mark Werner, has been contacted regarding the defendant’s position on the request to strike but he was unavailable.

DATED this 15th day of May, 2015.

MICHAEL W. COTTER
United States Attorney

/s/ Bryan R. Whittaker
Assistant United States Attorney
Attorney for Plaintiff